IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 6057 of 2006
Date of decision: 30.11.2006

Shree Vijay Walia

..... Petitioner.

Versus

Sudarshan Singh Deol

..... Respondent.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Gurinder Singh Punia,Advocate
for the respondent.

P.S. PATWALIA, J. (ORAL)

The present revision petition has been filed challenging order dated 26.09.2006 passed by the learned Rent Controller, Ludhiana vide which the learned Judge has closed the evidence of the respondent by order.

A reading of the order would show that the petitioner-landlord has closed his evidence on 10.03.2004. Since then the respondent had obtained a large number of opportunities to lead and conclude his evidence but had not done so. Further the order shows that more than 18 last opportunities were also given to the respondent-tenant to enable him to conclude his evidence. However till 15.02.2006 he only examined himself. Thereafter on 17.03.2006 three more witnesses were produced whose examination-in-chief was recorded but cross examination was deferred. These witnesses were not produced by him subsequently for cross examination. It is therefore that the evidence of the respondent was closed by the learned Judge.

Learned counsel for the petitioner-tenant contends that his client may be given one effective opportunity to conclude his entire evidence. He states that in view of the aforesaid facts the same may be granted even if his client has to pay heavy costs. On the other hand Mr. Punia appearing for the respondent-landlord submits that more than sufficient opportunities have already been availed by the petitioner. There is no justification in granting him any further opportunity. He further submits that even if one last opportunity is to be granted, it should be on payment of heavy costs.

After considering the facts of the case I am of the opinion that the interest of justice would be secured if one effective opportunity is granted to the petitioner to conclude his entire evidence. This would be done subject to payment of costs assessed to be at Rs.15,000/- to be payable to the respondent- landlord. The costs would be tendered before the Trial Court by way of Bank Draft in the name of respondent- landlord.

The revision petition is allowed in the aforementioned terms and the order dated 26.09.2006 passed by the Rent Controller is set aside.

November 30, 2006 **(P.S. PATWALIA)**
dinesh **JUDGE**